

**MINUTES**  
**STATE ELECTION BOARD MEETING**  
**State Capitol Building**  
**Room 341**  
**Atlanta, Georgia 30334**  
**Tuesday, June 10, 2014 – 10:00 a.m.**

Due notice having been given for the State Election Board Meeting pursuant to O.C.G.A. § 50-14-1 et seq.

**MEMBERS IN ATTENDANCE**

Brian P. Kemp, Chairman  
Tex McIver  
David Worley  
Rusty Simpson  
Rebecca Sullivan

**I. CALL TO ORDER**

Chairman Kemp called the State Election Board (SEB) meeting to order at approximately 10:00 a.m. A quorum was established with five board members in attendance. David Worley led everyone in the Invocation and Pledge of Allegiance.

Chairman Kemp called for the next order of business: Public comment.

**II. PUBLIC COMMENTS**

There was one public speaker.

Sally Fitzgerald, a Fulton County poll manager, expressed her concerns about law enforcement upholding the election code, specifically referring to candidates using government provided email addresses. She also requested for more user flexibility with the Online Voter Registration System and a smaller font size on the Voter Certificate.

The next order of business to be discussed on the agenda would be the approval of minutes.

**III. APPROVAL OF MINUTES**

February 5, 2014 Minutes: Tex McIver made a motion to approve the minutes. Rusty Simpson seconded; the motion passed unanimously, 5 – 0.

Chairman Kemp moved State Election Board Rule Amendments to the bottom of the agenda after the Attorney General Report to accommodate those present. The next order of business to be discussed on the agenda would be the Inspector General Report.

**IV. INVESTIGATIONS REPORT (C. Harvey)**

Chris Harvey made a note that SEB Case No. 2012-000168 Towns County was to be pulled from the agenda because a complaint recently called with additional information.

**Consent Cases**

Chairman Kemp asked if any of the listed Consent Cases wanted to be pulled and heard individually; otherwise he would request a motion to dismiss. Rusty Simpson made a motion to dismiss all consent cases, with the exception of SEB Case No. 2012-000132, SEB Case No. 2012-000127, SEB Case No. 2012-000093, SEB Case No. 2012-000161, and No. 2012-000151. David Worley seconded; the motion passed unanimously, 5-0.

**SEB Case No. 2012-000093 Troup County- 07-31-2012 Districting Issues** – Chris Harvey presented this case and recommended that the case be dismissed.

Public speaker was Ellen Gilmore, Troup County Board of Elections and Registration member.

Rusty Simpson made a motion to dismiss the case. Rebecca Sullivan seconded; the motion passed unanimously, 5-0.

**SEB Case No. 2012-000127 Fulton County- East Point Districting Errors** – Chris Harvey presented this case and recommended that the case be dismissed.

There were no public speakers.

Tex McIver made a motion to dismiss the case. Rusty Simpson seconded; the motion passed unanimously, 5-0.

**SEB Case No. 2012-000132 Clayton County** – Chris Harvey presented this case and recommended that the case be dismissed.

Public speaker was Annie C. Bright, Director of Elections for Clayton County.

David Worley made a motion to bind over Betty Simonds to the Attorney General's office; Chairmen Kemp seconded. After further discussion, David Worley withdrew his motion.

Rusty Simpson made a motion to dismiss the case. Rebecca Sullivan seconded; the motion passed unanimously, 5-0.

**SEB Case No. 2012-000151 Troup County- Interference with Poll Worker** – Chris Harvey presented this case and recommended that the case be dismissed.

Public speaker was Ellen Gilmore, Troup County Board of Elections and Registration member.

Rebecca Sullivan made a motion to dismiss the case. David Worley seconded; the motion passed unanimously, 5-0.

**SEB Case No. 2012-000161 Troup County- Polling Place Problems** – Chris Harvey presented this case and recommended that the case be dismissed.

There were no public speakers.

Chairman Kemp made a motion to dismiss the case. Tex McIver seconded; the motion passed unanimously, 5-0.

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Chairman Kemp proceeded to the next portion of the Inspector General's Report: Re-presentation Case.

**Re-Presentation Case**

**SEB Case No. 2011-000030 Murray County** – Chris Harvey presented this case and recommended that the case be dismissed.

There were no public speakers.

David Worley made a motion to dismiss the case. Rebecca Sullivan seconded; the motion passed unanimously, 5-0.

Chairman Kemp proceeded to the next portion of the Inspector General's Report: New Cases. He conducted roll call in order to address first the cases for which individuals were present.

**New Cases**

- A. SEB Case No. 2008-000107 Dodge County** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office.

Public speaker was Ken Carroll.

Rebecca Sullivan made a motion to bind the case to the Attorney General's office. David Worley seconded; the motion passed unanimously, 5-0.

- B. SEB Case No. 2011-00085 City of East Point** – Chris Harvey presented this case and recommended that a letter of instruction be issued.

Public speaker was Erica Golson, Poll Watcher.

Rebecca Sullivan made a motion to issue a letter of instruction. Tex McIver seconded; the motion passed 3-2 with David Worley and Rusty Simpson voting in opposition.

- C. SEB Case No. 2011-000095 City of Waynesboro** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office and dismiss the second charge against Annette Walker.

There were no public speakers.

Tex McIver made a motion to bind the case to the Attorney General's office and dismiss the second charge against Annette Walker. David Worley seconded; the motion passed unanimously, 5-0.

- D. SEB Case No. 2012-000141 Fayette County** – Chris Harvey presented this case and recommended Lane Watts be bound over to the Attorney General's office and dismiss charges against Marilyn Watts.

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Public speakers were John Sparks, attorney representing Lane Watts and Marilyn Watts, and Jean Mangan, associate attorney for Austin and Sparks. Richard Hobbs, respondent, and Scott Fabricius, Chairman of Fayette County Republican Party spoke as well.

David Worley made a motion to accept August 8, 2013 Fayette County Consent Order from John Sparks. Tex McIver seconded; the motion passed unanimously, 5-0.

David Worley made a motion to accept Fayette County restraining order documents from John Sparks. Rusty Simpson seconded; the motion passed unanimously, 5-0.

David Worley made a motion to accept a petition from John Sparks. Rusty Simpson seconded; the motion passed unanimously, 5-0.

David Worley made a motion to accept a deposition transcript from John Sparks. Rusty Simpson seconded; the motion passed unanimously, 5-0.

David Worley made a motion to accept affidavits from John Sparks. Rusty Simpson seconded; the motion passed unanimously, 5-0.

David Worley made a motion to accept an additional affidavit from John Sparks. Tex McIver second; the motion passed unanimously, 5-0.

David Worley made a motion to accept the final determination by Fayette County Board of Elections from John Sparks. Chairman Kemp second; the motion passed unanimously, 5-0.

Rusty Simpson made a motion to accept documents from Jean Mangan. David Worley seconded; the motion passed unanimously, 5-0.

Tex McIver made a motion to dismiss the case against Marilyn Watts. David Worley seconded; the motion passed unanimously, 5-0. Tex McIver made a motion to send the remaining case back to Chris Harvey for further investigation. Chairman Kemp seconded; the motion failed 2-3 with David Worley, Rusty Simpson, and Rebecca Simpson voting in opposition. Rebecca Sullivan made a motion to bind the case against Lane Watts to the Attorney General's office. Rusty Simpson seconded; the motion passed 3-2 with David Worley and Tex McIver voting in opposition.

**V. EXECUTIVE SESSION AND/OR BREAK**

At approximately 12:22 p.m., Chairman Kemp called to break for Executive Session.

At approximately 1:22 p.m., Chairman Kemp reconvened the meeting and called for the continuation of the Inspector General's report. Also at approximately 1:22 p.m., David Worley left the meeting due to a professional obligation. He would return shortly.

**VI. INVESTIGATIONS REPORT (Continued)**

- E. SEB Case No. 2012-000145 DeKalb County** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office.

Public speakers were Maxine Daniels, Director of Elections and Registration for DeKalb County, and Lori Brill.

Tex McIver made a motion to bind the case to the Attorney General's office. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- F. SEB Case No. 2012-000146 Fulton County** – Chris Harvey presented this case and recommended issuing a letter of instruction.

There were no public speakers.

Rebecca Sullivan made a motion to issue a letter of instruction. Tex McIver seconded; the motion passed unanimously, 4-0.

- G. SEB Case No. 2012-000148 Lincoln County** – Chris Harvey presented this case and recommended issuing a letter of instruction.

Public speaker was Ben Jackson, county attorney for Lincoln County.

Tex McIver made a motion to issue a letter of instruction. Rebecca Sullivan seconded; the motion passed unanimously, 4-0.

- H. SEB Case No. 2012-000158 Gwinnett/Peach County** – Chris Harvey presented this case and recommended issuing a letter of instruction for Peach County.

Public speaker was Jeff Liipfert, county attorney for Peach County.

Rusty Simpson made a motion to issue a letter of instruction for Peach County. Tex McIver seconded; the motion passed unanimously, 4-0.

- I. SEB Case No. 2012-000158 Gwinnett County** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office.

Public speaker was Randall Brannen, respondent.

At approximately 1:42 p.m., David Worley returned to the meeting.

Tex McIver made a motion to bind the case to the Attorney General's office. Rebecca Sullivan seconded; the motion passed unanimously, 4-0. David Worley abstained from voting.

- J. SEB Case No. 2012-000162 Rockdale County** – Chris Harvey presented this case and recommended that Poll Watchers Francine Henderson and Faye Hines be bound over to the Attorney General's office and Poll Managers Cynthia Welch and Denise Stanfield be issued a letter of instruction.

Public speaker was Cynthia Welch, Supervisor of Elections for Rockdale County.

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David Worley made a motion to accept a document from Cynthia Welch. Rusty Simpson seconded; the motion passed, 5-0.

Tex McIver made a motion to dismiss Poll Manager Denise Stanfield and Elections Supervisor Cynthia Welch. Rusty Simpson seconded; the motion passed unanimously, 5-0. Tex McIver made a motion to bind Francine Henderson and Faye Hines over to the Attorney General's office. Rusty Simpson seconded; the motion passed unanimously, 5-0.

At approximately 2:05 p.m., Tex McIver left the meeting due to a prior commitment and would not be returning.

- K. SEB Case No. 2012-000163 Union County** – Chris Harvey presented this case and recommended issuing a letter of instruction.

Public speakers were Libby Stevens, Election Supervisor for Union County, and Carolyn Hudson, Poll Manager.

Rebecca Sullivan made a motion to issue a letter of instruction. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- L. SEB Case No. 2012-000169 Coweta County** – Chris Harvey presented this case and recommended issuing a letter of instruction.

Public speaker was Joan Hamilton, Chief Registrar for Coweta County.

Rebecca Sullivan made a motion to dismiss the case. David Worley seconded; the motion passed unanimously, 4-0.

Chairman Kemp proceeded to the next portion of the Inspector General's Report: UOCAVA Cases. He conducted roll call in order to address first the cases for which individuals were present.

**UOCAVA Cases**

- A. SEB Case No. 2012-000040 UOCAVA** – Chris Harvey presented this case and recommended issuing a letter of instruction to Bartow, Brantley, DeKalb, Muscogee, and Paulding County. Mr. Harvey recommended Polk and Worth County be bound over to the Attorney General's office.

There were no public speakers.

Rusty Simpson made a motion to issue a letter of instruction to Bartow, Brantley, DeKalb, Muscogee, and Paulding; the board binds over Polk County and reschedules the Worth County matter. Chairman Kemp seconded; the motion failed 2-2 with David Worley and Rebecca Sullivan voting in opposition. David Worley made a motion to issue a letter of instruction to Bartow, Brantley, DeKalb, Muscogee, and Paulding and bind over Polk and Worth. Chairman Kemp seconded; the motion failed 2-2 with Rusty Simpson and Rebecca Sullivan voting in opposition. Rebecca Sullivan made a motion to issue a letter of instruction to Bartow, Brantley, DeKalb, Muscogee, Paulding, and Worth County and bind over Polk County to the Attorney General's office. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- B. SEB Case No. 2013-000001 Bryan County, No. 2013-000007 Chatham County, No. 2013-000008 Clarke County, No. 2013-000009 Columbia County, No. 2013-000010 Dougherty County, No. 2013-000011 Haralson County, No. 2013-000012 Lowndes County, No. 2013-000013 Stewart County, and No. 2013-000014 Thomas County – Chris Harvey presented these cases and recommended issuing a letter of instruction.**

Rebecca Sullivan made a motion to issue a letter of instruction for the UOCAVA cases listed above. David Worley seconded; the motion passed unanimously, 4-0.

Chairman Kemp called for the next order of business, the Attorney General's Report to accommodate those present.

## **VII. ATTORNEY GENERAL REPORT**

### **Consent Cases**

- a. SEB Case No. 2010-000033 Coweta County – Russ Willard presented this case and recommended dismissing the case without prejudice.**

Chairman Kemp made a motion to dismiss the case. Rusty Simpson seconded; the motion passed unanimously, 4-0.

Chairman Kemp asked for the Inspector General to continue his report on the additional consent cases. He would return to the Attorney General's Report afterwards.

## **VIII. INVESTIGATIONS REPORT (Continued)**

### **New Cases**

- M. SEB Case No. 2010-000018 City of Nicholson-- Chris Harvey presented this case. He recommended Wendy Carter be bound over to the Attorney General's office and recommended issuing a letter of instruction for all other respondents.**

There were no public speakers.

Rusty Simpson made a motion to bind over Wendy Carter to the Attorney General's office, issue a letter of instruction to all other respondents, and dismiss charges against Mayor Maxwell. Chairman Kemp seconded; the motion passed unanimously, 4-0

- N. SEB Case No. 2011-000053 Paulding County – Chris Harvey presented this case and recommended issuing a letter of instruction.**

There were no public speakers.

David Worley made a motion to accept a letter from Chris Harvey. Chairman Kemp seconded; the motion passed unanimously, 4-0.

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Rusty Simpson made a motion to issue a letter of instruction. Rebecca Sullivan seconded; the motion passed unanimously, 4-0.

- O. SEB Case No. 2011-000075 Lake City** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office.

There were no public speakers.

Rebecca Sullivan made a motion to bind the case to the Attorney General's office. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- P. SEB Case No. 2011-000096 Clarke County** – Chris Harvey presented this case and recommended that the case be sent to Clarke County District Attorney's office.

Rebecca Sullivan made a motion to send the case to Clarke County District Attorney's office for criminal prosecution. Chairman Kemp seconded; the motion passed unanimously, 4-0.

- Q. SEB Case No. 2011-000101 Paulding** – Chris Harvey presented this case and recommended that the case be dismissed for Kimberly McMurray and all other respondents be bound over to the Attorney General's office.

There were no public speakers.

Rusty Simpson made a motion to dismiss Kimberly McMurray and bind all other respondents to the Attorney General's office. David Worley seconded; the motion passed unanimously, 4-0.

- R. SEB Case No. 2012-000149 Pierce County** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office.

There were no public speakers.

David Worley made a motion to bind the case to the Attorney General's office. Rebecca Sullivan seconded; the motion passed unanimously, 4-0.

- S. SEB Case No. 2012-000164 Gwinnett County** – Chris Harvey presented this case and recommended that the case be bound over to the Attorney General's office and issue a letter of instruction to Gwinnett County Board of Elections.

There were no public speakers.

Chairman Kemp made a motion to notify Gwinnett County Board of Elections for a future SEB meeting. David Worley seconded; the motion was passed unanimously, 4-0. Rusty Simpson made a motion to bind the case over to the Attorney General's office. David Worley seconded; the motion passed unanimously, 4-0.

Chairman Kemp asked for the Attorney General to continue his report on the remaining consent cases.



**IX. ATTORNEY GENERAL REPORT (Continued)**

David Worley made a motion to accept the Attorney General's proposed resolution on all remaining consent cases, which included the following:

<b>SEB Case No. 2011-000073</b>	<b>City of Clayton</b>
<b>SEB Case No. 2011-000081</b>	<b>City of Eastman</b>
<b>SEB Case No. 2011-000105</b>	<b>City of Brunswick</b>
<b>SEB Case No. 2011-000108</b>	<b>City of Pelham</b>
<b>SEB Case No. 2012-000004</b>	<b>Paulding County</b>
<b>SEB Case No. 2012-000049</b>	<b>Gilmer County</b>

Rebecca Sullivan seconded; the motion passed unanimously, 4-0.

At approximately 3:06 p.m., Chairman Kemp requested a brief ten minute recess.

At approximately 3:16 p.m., Chairman Kemp reconvened the meeting and called for the next order of business: State Election Board Rule Amendments.

**X. STATE ELECTION BOARD RULE AMENDMENTS**

- a. Rule 183-1-13-.06 Poll Watchers for Advance Voting** – David Worley presented this rule and recommended that the rule be posted as an amendment.

David Worley made a motion to post this rule as an amendment. Rusty Simpson seconded; the motion passed unanimously, 4-0.

- b. Rule 183-1-14-.01 Absentee Ballot Envelope, Use of Symbols** – Ryan Germany, General Counsel for the Office of the Secretary of State, presented this rule and recommended that the rule be posted as an amendment.

David Worley made a motion to post this rule as an amendment. Rebecca Sullivan seconded; the motion passed unanimously, 4-0.

- c. Rule 183-1-11-.02 Appearance of Candidate's Name on Ballot** – Ryan Germany presented this rule and recommended that the rule be posted as an amendment.

Chairman Kemp recused himself from voting and appointed David Worley to head the meeting.

Rebecca Sullivan made a motion to post this rule as an amendment with the exception of section three. Rusty Simpson seconded; the motion passed unanimously, 3-0.

Rusty Simpson made a motion to delegate the posting date for the rule amendments to the Office of the Secretary of State. David Worley seconded; the motion passed unanimously, 4-0.

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Rusty Simpson requested the State Election Board review the language of a letter of instruction sent out to Decatur County Board of Elections. Chairman Kemp recommended reviewing the letter of instruction at a future SEB meeting.

**XI. ADJOURNMENT**

Chairman Kemp commended the Board, staff and investigators for their work.

Rebecca Sullivan made a motion to adjourn the meeting, David Worley seconded; the motion passed unanimously, 4 - 0. Being no further business, the meeting was adjourned at approximately 4:52 p.m.

**STATE ELECTION BOARD**

**APPROVED BY:**

**DATE:**

*B:Pl*

*8-12-14*